

Message Text

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TO AMEMBASSY BERN PRIORITY

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AMEMBASSY TOKYO PRIORITY

AMEMBASSY VIENNA PRIORITY

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USMISSION IAEA VIENNA PRIORITY

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E.O. 11652: N/A

TAGS: TECH,

SUBJECT: NRC PROPOSES INTERIM RULE ON ENVIRONMENTAL IMPACTS
OF REPROCESSING AND WASTE MANAGEMENT

REF: STATE A-219

1. EMBASSIES AND MISSIONS ARE REQUESTED TO PASS THE FOLLOW-
ING INFORMATION TO NUCLEAR REGULATORY COMMISSION TECHNICAL
NOTIFICATION ADDRESSEES PER REPAIR A-219.

2. A PROPOSED INTERIM RULE DEALING WITH ENVIRONMENTAL IM-
PACTS OF FUEL REPROCESSING AND WASTE MANAGEMENT IN LICENS-
ING NUCLEAR POWER PLANTS WAS ANNOUNCED TODAY BY THE NRC.
THE PROPOSED REGULATION RESPONDS TO A RECENT COURT ACTION
AND IF ADOPTED, WOULD PROVIDE A BASIS FOR RESUMING CON-
SIDERATION OF FULL POWER LICENSES, CONSTRUCTION PERMITS
AND LIMITED WORK AUTHORIZATIONS.

3. THE PROPOSED INTERIM RULE, ON WHICH PUBLIC COMMENT IS
BEING SOUGHT, IS BASED ON A NEWLY COMPLETED EVALUATION OF
THE ENVIRONMENTAL IMPACTS OF NUCLEAR FUEL REPROCESSING AND
WASTE MANAGEMENT, PREPARED AFTER AN INTENSIVE EFFORT BY A
SPECIAL TASK FORCE.

4. NRC CHAIRMAN ROWDEN SAID IN A STATEMENT CONCERNING
TODAY'S ACTION: "ON AUGUST 13, THE COMMISSION DIRECTED
ITS STAFF TO UNDERTAKE A THOROUGH AND COMPREHENSIVE
ANALYSIS OF ALL AVAILABLE TECHNICAL DATA RELATED TO THE
ENVIRONMENTAL IMPACTS OF FUEL REPROCESSING AND WASTE
MANAGEMENT. SOME 30 HIGHLY QUALIFIED TECHNICAL SPECIALISTS
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UNDERTOOK THIS EVALUATION DIRECTED BY DR. WILLIAM BISHOP,
WHO HEADS THE NRC'S WASTE MANAGEMENT PROGRAM. WE NOW
HAVE THE STAFF REPORT-- AND IT IS AN OUTSTANDING JOB. WE
BELIEVE THE ANALYSIS IS RESPONSIVE NOT ONLY TO THE COURT'S
DECISION, BUT ALSO TO OUR BROADER PUBLIC RESPONSIBILITY TO
PROVIDE A FULL AND CANDID DISCUSSION OF SPENT FUEL REPRO-
CESSING AND WASTE MANAGEMENT IMPACTS. THE COMMISSION'S
REVIEW OF THE STAFF ANALYSIS INDICATES THAT IT PROVIDES A
SOUND BASIS FOR CONSIDERATION OF AN INTERIM RULE WHICH
COULD BE IN PLACE WITHIN THREE MONTHS. THE STAFF ANALYSIS
HAS TAKEN INTO ACCOUNT THE MOST CURRENT INFORMATION
AVAILABLE. IT QUANTIFIES IMPACTS WHERE THE INFORMATION
WARRANTS THAT, IDENTIFIES AREAS WHERE QUANTIFICATION IS

NOT FEASIBLE AT PRESENT, AND DISCUSSES RESEARCH PROGRAMS DESIGNED TO RESOLVE UNCERTAINTIES AND THE TIMING OF THOSE PROGRAMS."

5. THE NRC TASK FORCE REPORT FINDS THAT ENVIRONMENTAL IMPACTS OF FUEL REPROCESSING AND WASTE MANAGEMENT AS THEY RELATE TO INDIVIDUAL NUCLEAR PLANT CONTINUE TO BE SMALL, EVEN WHEN IMPACTS WHICH WERE NOT COMPLETELY ACCOUNTED FOR IN THE PAST ARE CONSIDERED. ENVIRONMENTAL IMPACTS CONSIDERED IN THE STAFF'S NEW EVALUATION INCLUDE THOSE RESULTING FROM: (1) DISPOSAL IN GEOLOGICAL FORMATIONS OF HIGH-LEVEL RADIOACTIVE WASTES INSTEAD OF USING RETRIEVABLE SURFACE STORAGE; (2) CONSIDERATION OF PLUTONIUM AND USED FUEL AS WASTES; (3) BURIAL OF LOW-LEVEL WASTE; (4) FACILITY DECOMMISSIONING. ANOTHER STAFF STUDY EXAMINED THE IMPACTS SHOULD THE COMMISSION (1) NOT LICENSE UNTIL AFTER A FINAL RULE IS ADOPTED; OR (2) LICENSE UNDER AN INTERIM RULE AND LATER REVERSE THOSE DECISIONS.

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6. THE FEDERAL REGISTER NOTICE OF THE PROPOSED INTERIM RULEMAKING DOES NOT ADDRESS SEVERAL ISSUES IDENTIFIED IN THE NRC'S AUGUST 13 POLICY STATEMENT, INCLUDING WHETHER THE COMMISSION SHOULD INITIATE SHOW CAUSE PROCEEDINGS AGAINST PRESENT LICENSEES; WHETHER CIRCUMSTANCES REVEALED BY THE SUPPLEMENT WARRANT ANY CHANGE IN THE COMMISSION'S POLICY REGARDING SHOW CAUSE PROCEEDINGS AGAINST PRESENT UNCLASSIFIED

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LICENSEES INITIATED BY OTHERS; ISSUANCE OF LICENSES IN ADVANCE OF THE ADOPTION OF AN INTERIM RULE.

7. RESOLUTION OF THESE QUESTIONS, OR SOME OF THEM, MAY BE AFFECTED BY THE ACTION OF THE UNITED STATES COURT OF

APPEALS FOR THE DISTRICT OF COLUMBIA LAST FRIDAY (OCTOBER

8). THE COURT, INSTATING ITS MANDATE IN THE PROCEEDING WHICH LED TO ISSUANCE OF THE AUGUST POLICY STATEMENT, INDICATED ITS VIEW THAT THE COMMISSION COULD CONTINUE LICENSING ACTIVITIES ON CONDITION THAT THE COMMISSION "SHALL MAKE ANY LICENSES GRANTED BETWEEN JULY 21, 1976, AND SUCH TIME AS THE MANDATE HAS ISSUED SUBJECT TO THE OUTCOME OF THE PROCEEDING HEREIN."

8. THE COMMISSION ANTICIPATES RESOLVING THESE QUESTIONS IN THE VERY NEAR FUTURE. IN PARTICULAR, PARTIES TO EXISTING SHOW CAUSE PROCEEDINGS ARE BEING INVITED TO SUBMIT VIEWS REGARDING THE POSSIBLE SUSPENSION OF THOSE PROCEEDINGS ON OR BEFORE OCTOBER 22, 1976.

9. THE COMMISSION'S ACTION FOLLOWS TWO JULY 21 DECISIONS

BY THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT. THESE DECISIONS HELD IN PART THAT THE PORTION OF A RULE SETTING FORTH FUEL REPROCESSING AND WASTE MANAGEMENT ENVIRONMENTAL IMPACTS OF THE URANIUM FUEL CYCLE (FROM MINING OF URANIUM TO THE DISPOSAL OF RADIOACTIVE WASTES) WAS NOT SUPPORTED BY THE AEC RECORD OF THE RULEMAKING PROCEEDING CONDUCTED IN 1973-74. AS A RESULT THE COURT DIRECTED THE NRC TO SUPPLEMENT THE RECORD AS TO THE IMPACT OF FUEL REPROCESSING AND WASTE MANAGEMENT. ON AUGUST 13, THE COMMISSION SAID IT WOULD NOT ISSUE FULL POWER OPERATING LICENSES, CONSTRUCTION PERMITS AND LIMITED WORK AUTHORIZATIONS PENDING COMPLETION OF THE SUPPLEMENTAL ENVIRONMENTAL ANALYSIS. THE COMMISSION ALSO ANNOUNCED THAT THE ANALYSIS WOULD BE USED AS THE BASIS FOR A PUBLIC RULEMAKING PROCEEDING ON POSSIBLE AMENDMENT OF THE PRESENT RULE FOR CONSIDERING THE ENVIRONMENTAL IMPACTS OF THE URANIUM FUEL CYCLE IN INDIVIDUAL LICENSING CASES. THE COMMISSION ALSO NOTED THAT THE ANALYSIS MIGHT PROVIDE THE BASIS FOR AN INTERIM RULE. AN INTERIM RULE WOULD BE UNCLASSIFIED

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USED FOR LICENSING ONLY DURING THE PERIOD OF TIME REQUIRED FOR COMPLETION OF THE PUBLIC HEARING PROCESS AND PUBLICATION OF A FINAL RULE. PROCEDURES FOR THE CONDUCT OF THE PUBLIC HEARING ON A FINAL RULE WOULD BE ANNOUNCED SHORTLY.

10. NRC WILL SEND BY POUCH NEWS RELEASE 76-221, "NRC PROPOSES INTERIM RULE ON ENVIRONMENTAL IMPACTS OF REPROCESSING AND WASTE MANAGEMENT" AND THE STAFF ANALYSIS REPORT "ENVIRONMENTAL SURVEY OF THE REPROCESSING AND WASTE MANAGEMENT PORTION OF THE LWR CYCLE (NUREG-0116).

11.FOR BERN: ALSO PASS THIS INFORMATION TO PROF. CLAUDE ZANGGER, DEPUTY DIRECTOR, OFFICE OF ENERGY, DEPARTMENT OF TRANSPORT AND ENERGY. KISSINGER

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